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10/666,019	09/17/2003	Robert P. Mcagley	ITL1015US (P16702)	7949
21906 7590 02/06/2008 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631				
EXAMINER				
WALKE, AMANDA C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT P. MEAGLEY
and ERNISSE S. PUTNA

Appeal 2008-0818
Application 10/666,019
Technology Center 1700

Decided: February 6, 2008

Before EDWARD C. KIMLIN, BRADLEY R. GARRIS, and KAREN M.
HASTINGS, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1, 2, 5, 13-16, 18, and 23-28. However, Appellants state that only claims 14-16, 18, and 24 are the subject of this appeal (App. Br. 5). We have jurisdiction under 35 U.S.C. § 6.

We AFFIRM.

Appellants claim a method of forming a photoresist with a photoacid generator with a cation having a base atom coupled to at least three entirely sigma-bonded non-cyclic moieties. Representative claim 14 reads as follows:

14. A method comprising:

forming a photoresist with a photoacid generator with a cation having a base atom coupled to at least three entirely sigma-bonded non-cyclic moieties.

The reference set forth below is relied upon by the Examiner as evidence of obviousness:

Kodama

6,858,370 B2

Feb. 22, 2005

The appealed claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kodama.

The issue on this appeal is whether Kodama contains a teaching or suggestion of a cation embodiment (para. bridging cols. 12-13) which is entirely sigma-bonded as required by the appealed claims. This is the only issue raised by Appellants (App. Br. 9; Reply Br. 1-2).

The Examiner correctly finds (Ans. 3-4) that the substituents of Kodama's cation may be alkyl groups having from 1 to 10 carbon atoms such as methyl, ethyl, propyl, butyl and pentyl (col. 13, ll. 19-22). The Examiner additionally finds (Ans. 3-4), and Appellants do not argue otherwise (Reply Br. 1-2), that such alkyl groups necessarily would be sigma-bonded to the base sulfur atom of Kodama's cation. Therefore, we

agree with the Examiner that it would have been obvious for one with ordinary skill in this art to form Kodama's cation with the aforementioned alkyl groups as substituents in view of Kodama's express teaching to do so and that the resulting cation would have a base atom coupled to three entirely sigma-bonded non-cyclic moieties (i.e., alkyl moieties) as required by representative claim 14.

Concerning this matter, Appellants emphasize that "a variety of structures are suggested [by Kodama] including, for example, carbonyl and vinyl groups that would not be sigma bonded" (Reply Br. 1-2). While Appellants are correct, this fact does not negate Kodama's explicit teaching that the cation substituents also may be structures such as alkyl groups which would be sigma bonded according to the finding expressly made by the Examiner (Ans. 3-4) and not contested by Appellants on the record before us (see the App. Br. and the Reply Br. in their entireties).

In light of the foregoing, we hereby sustain the Examiner's § 103 rejection of all appealed claims as being unpatentable over Kodama.

The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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